IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SIXTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 5607 of 1994

Between:

Cement Corporation of India Ltd., Rep. Manager (Mining) Sri S.Bose. Kurkunta Cement Factory, Kurkunta Sedam Tq.,

Gulburga, Karnataka.

..... PETITIONER

AND

1 Asst. Director of Mines and Geology, Mahaboobnagar.
2 Director of Mines and Geology,
Burgula Ramakrishna Rao, 8th Floor, Hyderabad.
3 Department of Mines and Geology, Rep. Secretary.
Secretariat Building, Hyderabad.
4 Union of India, rep. by Secretary.
Ministry of Mines, New Delhi.

(Dismissed for default as per Court order

dated 04-08-1999).

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ or order or direction more particularly one in the nature of Writ of Mandamus declaring that the cess and other taxes on minerals (Validation) Act 1992 (Act 16 of 1991) is unconstitutional or in the alternative that the Act does not authorise recovery of cess on royalty or MRT from the petitioner which have not

been collected for the period ending up to 04/04/1991 and consequently restrain the respondents from recovering cess on royalty or MRT from December 1989 and April 90 respectively till 4/4/1991 pursuant to the notice dated 11/02/1994.

Counsel for the Petitioner:MR.M.SATYANARAYANA –Not appeared.

Counsel for the Respondents : GP FOR INDUSTRIES & COMMERCE –Not appeared.

The Court made the following O R D E R (Per the Hon'ble Sri Justice Bilal Nazki):

Nobody appears. The writ petition has already been dismissed as against respondent No.4, in default, by order dated 04-08-1999.

In these circumstances, we feel that no further effective orders can be passed in the writ petition. Hence, the writ petition is dismissed. No order as to costs.

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(Bilal Nazki, J)

26th August, 2004.

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(P.S.Narayana,J)

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To

1 Asst. Director of Mines and Geology, Mahaboobnagar.
2 Director of Mines and Geology,
Burgula Ramakrishna Rao, 8th Floor, Hyderabad.
3 The Secretary, Department of Mines and Geology,

Secretariat Building, Hyderabad.
4 The Secretary, Union of India, Ministry of Mines, New Delhi.

5 Two C.Cs to the G.P for Industries and Commerce, High Court

Buildings, A.P., Hyderabad (OUT)

6 Two C.D copies